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FM AMEMBASSY LA PAZ
TO RUEHC/SECSTATE WASHDC 8821
INFO RUEHAC/AMEMBASSY ASUNCION 8447
RUEHSW/AMEMBASSY BERN 0188
RUEHBO/AMEMBASSY BOGOTA 5797
RUEHBR/AMEMBASSY BRASILIA 9766
RUEHBU/AMEMBASSY BUENOS AIRES 6985
RUEHBY/AMEMBASSY CANBERRA 0118
RUEHCV/AMEMBASSY CARACAS 4042
RUEHPE/AMEMBASSY LIMA 4361
RUEHMD/AMEMBASSY MADRID 4281
RUEHMN/AMEMBASSY MONTEVIDEO 5862
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C O N F I D E N T I A L LA PAZ 002221

SIPDIS

E.O. 12958: DECL: 10/09/2018
TAGS: [ECON](#) [EINV](#) [ETRD](#) [KIPR](#) [BL](#)
SUBJECT: BOLIVIA: INTELLECTUAL PROPERTY RIGHTS STILL MIA

Classified By: A/EcoPol Chief Brian Quigley for reasons 1.4 b,d

¶1. (SBU) Summary: Emboff met on October 8 with representatives from a number of intellectual property rights (IPR) stakeholder groups including music and composers groups, the Bolivian book chamber, cinematic organizations, and IPR law. It was the first time many in the group had ever met, despite their respective roles as the heads of Bolivia's IPR organizations. Much of the meeting was spent bemoaning the state of IPR in Bolivia and what they described as the complete lack of cooperation from Bolivian authorities. End summary.

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Enforcement Impossible
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¶2. (SBU) Participants described attempts to arrange enforcement actions (such as raids of shops selling pirated goods) as hopeless, since the Bolivian agencies involved are underfunded and unwilling to confront vendors who are often backed by piracy "guilds". Ana Patricia Navarro, president of the Bolivian Book Chamber, described her fruitless attempts to evict a vendor of illegally photocopied books who had set up shop on the steps of the Chamber itself. Enriqueta Ulloa, president of the composers' and authors' organization and locally-famous singer, described a moderate success: at her concerts she begs the audience to buy the official CDs from her crew and not the pirated CDs for sale just outside the venues, and she was happy to report that "most people want to support me, so they pay a little more to buy the real thing." She shrugged and added philosophically, "But probably only that one time."

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The Impact of "Socialized" Art
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¶3. (C) IPR stakeholders in Bolivia are increasingly worried by the socialist rhetoric of the government and what they see

as an assault on private property in general. Edwin Urquidi, lawyer and former head of the Bolivian IPR agency SENAPI, phrased his advice as, "We need them to change the regulations, but we don't want them to change the regulations the wrong way." Rafael Urquiza, an official with the Book Chamber, pointed out that the ruling Movement Toward Socialism (MAS) party's draft constitution bases property rights on "social good," and the assembled participants questioned whether their rights as authors would lose out to the public's "social good" rights under a new constitution. (There are no Bolivian pharmaceutical innovators, so no one present mentioned the constitution's clause that states that "the right of access to medicines may not be restricted by intellectual property rights...")

14. (C) Ulloa related that on a recent, private trip to Venezuela, she asked the Bolivian ambassador to arrange a meeting with an official in the Venezuelan ministry of culture (she did not remember the official's name.) Reportedly, the Venezuelan official proudly claimed that she herself uses only pirated goods and that intellectual property must be "socialized" for the good of the people. "I didn't push it, because who knows what she might report back to our government," Ulloa said, "but I'm afraid that's what we're looking at here. When they say 'socialized' they mean we will have to give away our hard work."

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Educating Through Public Diplomacy
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15. (SBU) Ulloa went on to describe some successes she's had recently in IPR public diplomacy. She said she always tries to make a public event, with press coverage, when she presents artists with checks (ironically most of the money that the composers' and artists' group receives comes from America, after people contact the organization to get permission to use her members' music in Bolivian-American festivals.) She related a recent event, with press, in which she presented a check to the prefect (governor) of Oruro. The governor is a Movement Toward Socialism (MAS) ally of President Evo Morales, but he is also a locally-famous composer of traditional dance and protest songs. Ulloa used the presentation to highlight the importance of paying composers to use their music: she reported that the governor confessed it was the first time he had ever received money from the use of his songs. Ulloa then reminded the governor that the dancers and musicians in the world-famous Oruro Carnival need to pay her organization for the rights to use her members' music.

16. (SBU) Ulloa is currently engaged in a quixotic campaign to encourage various local governments, including the municipality of La Paz, to pay for the use of her members' compositions in municipal celebrations like the famous "Gran Poder" of La Paz and carnivals. She pointed out that the cities benefit greatly from these large festivals, adding that her organization has tried to make a special deal with the cities, charging them only 2 bs per event per participant (roughly thirty cents per person.) Despite this bargain, she reported to the group that the cities are not cooperating.

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Little Hope for International Intellectual Property
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17. (SBU) In a previous meeting with Ulloa and Noemi Valdivia, president of the local musicians' organization, the two Bolivian singers told Emboff of the La Paz mayor's decision to grant licenses to vendors of pirated goods, as long as the vendors promised not to pirate Bolivian works. Both Ulloa and Valdivia mocked this caveat, stating that the vendors continued to sell pirated copies of their and other artists' works. The mayor's proposal was raised again in the October 8 meeting, and the participants again ridiculed the possibility of protecting Bolivian works while freely pirating international intellectual property. As Ulloa put it: "Once you've said that it's okay to pirate some movies, some songs, who will listen when you say 'but not ours'?"

The assembled IPR stakeholders, however, were almost entirely focused on their own plight: clearly they do not have the ability to worry about protecting U.S. artists' interests, although they did express hopes that their organizations might be able to join forces with international groups, to benefit from their experiences and budgets.

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Comment
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18. (C) Ulloa, the most militant of the group, suggested that the organizations and their members march to gain attention, "and if they gas us, so much the better--I say that even though I'm a singer!" The group seemed to generate enthusiasm by sharing their experiences, and a number of good ideas were broached, but in the end the final decision--despite Emboff's efforts to explain that the Embassy does not have funds to support their expansive wish lists--was that they should meet again to finalize proposals to be submitted to the Embassy. We hope to be able to help them connect with other sources of funding, such as AmCham or American companies. (Note: the April 2008 World IPR day festivities in La Paz, including publications, public presentations, street signs, and a free concert, were primarily funded by donations from British American Tobacco and Pfizer. End note.) Bolivian IPR organizations also need to continue their efforts on their own behalf and under their own initiative. Lacking funding and government support, however, IPR organization in Bolivia will for the foreseeable future continue to sing a "Lamento Boliviano" (Copyright 1994 EMI Odeon SAIC, all rights reserved.) End comment.
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